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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,597	01/20/2000	Evgeniy M. Getsin	IACTP017	6029

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FITCH EVEN TABIN AND FLANNERY
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CHICAGO, IL 60603-3406

EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 12/05/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,597

Applicant(s)

GETSIN ET AL.

Examiner

William L. Bashore

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to communications: original action filed 1/20/2000. IDS filed 9/26/2001 (as paper 7). It is respectfully noted that the E-Media reference of said IDS (page 3) cannot be considered, because said reference does not contain a date of publication.
2. Claims 1-18 are pending. Claims 1, 7, 13 are independent.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 6, 12, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In regard to dependent claims 6, 12, 18, each of said claims recite “*wherein the memory*”. There is lack of antecedent basis regarding these limitations. Correction is required.

Examiner's Note

5. The following rejections are based upon a possible interpretation of claims 6, 12, 18 “*the memory*”, as device related memory.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (hereinafter Roberts), U.S. Patent No. 6,161,132 issued December 2000 (previously cited in IDS paper 7).**

In regard to independent claim 1, Roberts teaches synchronization of entertainment media to musical CD recordings within client devices in a network chat room environment, utilizing plug-ins (Roberts column 2 lines 19-26, column 6 lines 61-67, column 7 lines 10-24; compare with claim 1 “*A method for identifying playback devices of a plurality of client apparatuses which are networked to simultaneously playback an event, comprising the steps of:*”

Roberts teaches a command plug-in for aiding in the playing of a musical recording, said plug-in gathers information regarding the capabilities of the client’s CD drive, therefore determining the type of drive (i.e. 2x, 4x, etc.) (Roberts column 4 lines 1-16). Roberts also teaches said embodiment controlling devices other than audio CDs (i.e. DVD, etc.) (Roberts Abstract, column 2 lines 5-10) (compare with claim 1 “*identifying a type of the playback device of each of the client apparatuses*”).

Roberts teaches a remote host initiating actions on a client device, as well as said host becoming aware of user initiated actions on said device (i.e. CD player buttons, etc. (Roberts column 2 lines 5-26). In order for said host (i.e. server or chat server) to become aware of the client device controls, the command data regarding said controls must be made available to the host (compare with claim 1 “*looking up a command associated with the identified type of the playback device*”).

Roberts teaches a chat host using the commands of a client device for synchronizing the display of content using a unique identifier (of the CD), as well as synchronization of participating client CDs by comparing and synchronizing information (i.e. start times, audio volumes, etc.) between devices during a chat room session using plug-ins (Roberts column 6 lines 60-67, column 7 lines 10-37 to column 8 lines 1-2). Roberts does not specifically teach said synchronization of client devices based upon analyzing device type capabilities, as claimed. However, Roberts teaches a plug-in which collects capabilities about a CD drive (Roberts column 2 lines 1-18, column 4 lines 1-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the plug-in analyzing CD capabilities and controls, to Robert's chat room embodiment, to provide the claimed equivalent of analyzing device type commands for chat room CD device synchronization, providing Robert's the benefit of synchronization of audio CD devices with a wide array of different characteristics (i.e. speed 1x, 2x, 4x, 8x, etc.) (compare with claim 1 "*sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously with the playback of the event on each of the remaining client apparatuses.*").

In regard to dependent claim 2, Roberts teaches both visual and audio presentations (Roberts column 4 lines 58-67 to column 5 lines 1-27).

In regard to dependent claim 3, claim 3 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Roberts teaches a chat room network for identifying and synchronizing devices as explained in the rejection of claim 1 above (see also Roberts Abstract, column 6 line 61, to column 7 lines 30).

In regard to dependent claim 4, Roberts teaches the Internet (a wide area network) (Roberts column 1 lines 57-61).

In regard to dependent claim 5, Roberts teaches generation of a unique identifier associated with musical recordings on a CD, as well as a CD key for entering special Web areas (Roberts column 6 lines 49-60). Roberts does not specifically teach a client apparatus storing an identifier for identifying a host (i.e. Roberts's chat room host embodiment does not store host identification in the client device), as claimed. However, since it is known that chat session synchronization between a chat server and clients involve communication between said server and all participating clients, Roberts's teaching of said chat room embodiment provides the claimed equivalent of a host identifier so that two way communication can commence. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Roberts in this fashion, providing a client device of Roberts a key piece of essential information so that the client device knows the identification of the chat server.

In regard to dependent claim 6, Roberts teaches an embodiment utilizing a DVD device (Roberts column 2 lines 5-10).

In regard to independent claim 7, claim 7 reflects the computer program product comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 8-12, claims 8-12 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 2-6, respectively, and are rejected along the same rationale.

In regard to independent claim 13, claim 13 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

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In regard to dependent claims 14-18, claims 14-18 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 2-6, respectively, and are rejected along the same rationale.

Conclusion

8. **Prior art made of record and not relied upon is considered pertinent to disclosure.**

Roberts et al.	U.S. Patent No. 6,240,459	issued	05-2001
Kirk et al.	U.S. Patent No. 6,175,842	issued	01-2001
Miller et al.	U.S. Patent No. 5,801,685	issued	09-1998
Walmsley	U.S. Patent No. 5,659,792	issued	08-1997
Baumgartner et al.	U.S. Patent No. 5,642,171	issued	06-1997
Noe et al.	U.S. Patent No. 5,619,733	issued	04-1997

Chen, Heng-Yow et al. MultiSync: A Synchronization Model for Multimedia Systems, IEEE Journal On Selected Areas In Communications, Volume 14, No. 1, January 1996, pp. 238-248.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on (703) 305-9792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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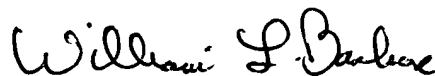
10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703-872-9306) (for formal/after-final communications intended for entry)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**



William L. Bashore
Patent Examiner, AU 2176
November 29, 2003